

Buchwald J. RB

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MATTEL, INC., :

Plaintiff, :

- against - :

20 Civ. 11075 (NRB)

THE ENTITIES DOING BUSINESS :

AS GOODMENOW AT THE URL :

GOODMENOW.COM, THE ENTITIES :

DOING BUSINESS AS :

MEETGOODTIMES AT THE URL :

MEETGOODTIMES.COM, :

THE ENTITIES DOING BUSINESS AS :

FEELITNICE AT THE URL :

FEELITNICE.COM, THE ENTITIES :

DOING BUSINESS AS THE PAYPAL :

MERCHANT YOKAWA NETWORK :

LIMITED, JOHN DOE NOS. 1-5, AND :

ABC ENTITY NOS. 1-5, :

Defendants. :

-----X

AMENDED ORDER TO SHOW CAUSE FOR AN ATTACHMENT ORDER
AND A TEMPORARY RESTRAINING ORDER

Upon the annexed declarations of Michael Moore, sworn to December 29, 2020 and Emily H. Jaquez and William Dunnegan, each sworn to December 30, 2020, and all prior proceedings in this action, it is hereby,

ORDERED that the entities doing business as GoodMeNow at the URL goodmenow.com, the entities doing business as MeetGoodTimes at the URL meetgoodtimes.com, the entities doing business as FeelItNice at the URL FeelItNice.com, the entities doing business as the PayPal Merchant Yokawa Network Limited ("Yokawa") (collectively, "Defendants") SHOW CAUSE before Hon. Naomi Reice Buchwald, United States

District Judge, at a telephonic conference to be held on January 11, 2021 at 10:30 a.m., or as soon thereafter as counsel may be heard, why an order should not be entered:

(i) Pursuant to Rule 64 of the Federal Rules of Civil Procedure and New York CPLR § 6201, attaching the funds of each Defendant at PayPal, Inc. (“PayPal”);

(ii) Enjoining each Defendant, its officers, agents, employees, servants and attorneys, and all persons in active concert or participation with any of them who receive actual notice of this order, from transferring or withdrawing, or accepting any funds from any accounts of any Defendant at PayPal, pending a further order of this Court; and

(iii) Granting such other and further relief as to the Court may seem just and proper.

The Court makes the following preliminary findings of fact and conclusions of law pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR § 6210 on the application of plaintiff Mattel, Inc. (“Mattel”) for an *ex parte* order of prejudgment attachment.

1. This is an action for money damages.
2. Mattel has demonstrated a likelihood of success on the merits of its claims for trademark and copyright infringement against Defendants.
3. Defendants are not domiciled in this State.
4. Defendants have not filed any counterclaim.
5. The Court has personal jurisdiction over Defendants pursuant to New York CPLR § 302(a)(1), because Mattel’s claim arises out of Defendants’ sales into this State.

6. An order of attachment is an appropriate exercise of the Court's discretion, as it is necessary to ensure that any judgment Mattel obtains in this action against Defendants is satisfied. And it is further

ORDERED that, pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR §§ 6201 and 6210, pending the hearing on Mattel's application for an order of prejudgment attachment, the funds of each Defendant at PayPal, including but not limited to the PayPal account(s) connected to the email addresses support@24dzservice.com be, and hereby are, attached; and it is further

ORDERED that each Defendant, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of this order, be, and hereby are, TEMPORARILY RESTRAINED from transferring, withdrawing or accepting any funds from any account of any Defendant at PayPal, including but not limited to each PayPal account connected to the email addresses support@24dzservice.com, pending further order of the Court; and it is further

ORDERED that this temporary restraining order shall be effective upon issuance and Mattel shall post security in the amount of \$5,000 with the Clerk of the Court by no later than noon on January 5, 2021; and it is further

ORDERED that within 48 hours of the service of papers upon it, PayPal shall provide to counsel for Mattel the amount restrained; and it is further

ORDERED that within 48 hours of the service of papers upon it, PayPal shall provide to counsel for Mattel the most current available contact information for each Defendant, including the full name, postal addresses and e-mail addresses and bank accounts used to transfer funds in and out of the PayPal account of each Defendant; and it is further

ORDERED that Mattel shall serve a copy of this order and the papers upon which it was granted by (a) dispatching them or before 9:00 p.m. on December 30, 2020 by Federal Express courier to each Defendant c/o Pay Pal, Inc., Attention: Legal Department, at 2211 North First Street, San Jose, California 95131, and (b) e-mailing them on or before 9:00 p.m. on December 31, 2020 to support@24dzservice.com, and (c) by dispatching them by Federal Express courier, and e-mail, to the addresses Pay Pal, Inc. provides for each Defendant with 24 hours of the receipt of that information from PayPal.

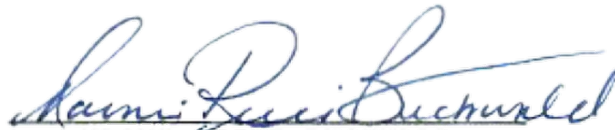
Service shall be deemed complete upon the filing of a declaration with the Clerk of the Court affirming that a copy of this order and the papers upon which it was granted, along with the summons and complaint, have been dispatched in conformity with this order.

Opposition papers shall be served by overnight mail or by hand on counsel of record for plaintiff and filed with the Court so that they are received on or before 3:00 p.m. on January 7, 2021.

Dated: December 30, 2020

Issued at 7:08 pm

SO ORDERED.


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE